IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Notice of Motion No.3323 of 2005

In

Suit No.356 of 2005

Bank of Baroda .. Plaintiff

V/s

Mr.P.R.Raghunathan and Ors. .. Defendants

Shri Nitin Kadam i/b Nitin Nilam Assc. for plaintiff

Ms Chandra Sonpal i/b Thakore Jariwala and Associate for defendant no.3

CORAM:D.K.DESHMUKH,J.

DATED:28th June 2007

P.C.:-

1. This Notice of Motion is taken out by the plaintiff-bank. Defendant nos.1 and 2 are served. None present on behalf of the defendant. No reply is filed by them. Allegations in affidavit filed in support of Notice of Motion against nos 1 and 2 have gone uncontraverted. So far as defendant no.3 is concerned,the same property is mortgaged to it. Ad-interim order dated 13-12-2003 is confirmed. The learned Counsel appearing for the plaintiff points out

that defendant no.1 has not come forward for being appointed as agent of the Receiver. Receiver is therefore directed to take steps to appoint third party as agent of the Receiver in accordance with law on usual terms and conditions including royalty. The learned Counsel appearing for defendant no.3 informs that there is already recovery certificate granted in favour of defendant no.3 by Debt Recovery Tribunal. The appointment of Receiver by this order is without prejudice to the rights of defendant no.3 in relation to the property.

Notice of Motion disposed of.

(D.K.DESHMUKH,J.)